

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBY FREEMAN and WANDREA' MOSS,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Case No. 24-cv-6563 (LJL)

**PLAINTIFFS' RESPONSES TO DEFENDANT'S LOCAL RULE 56.1 STATEMENT
IN SUPPORT OF CROSS-MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Ruby Freeman and Wandrea' Moss respectfully submit the following responses to Defendant's Local Rule 56.1 statement in support of his cross-motion for summary judgment (ECF No. 46), for purposes of that cross-motion:

1. In February 2010, Defendant, and his then-wife bought a condo located at 315 South Lake Drive, Unit 5D, Palm Beach, Florida (the "Palm Beach Condo"). Declaration of Rudolph W. Giuliani ("Giuliani Decl.") ¶ 3; Giuliani Decl. Exhibit A. In January 2020, as part of a divorce distribution, Defendant became the sole owner of the Palm Beach Condo. Giuliani Decl. ¶ 4; Giuliani Decl. Exhibit B.

Response: Undisputed.

2. In July 2023, Defendant entered into a contract with Sotheby's International Realty, engaging Sotheby's to sell his New York apartment. Giuliani Decl. ¶¶ 5-6; Giuliani Decl. Exhibit C. Once the New York Apartment was sold, the Palm Beach Condo would be Defendant's only residence. Giuliani Decl. ¶ 7.

Response: Undisputed that Defendant engaged Sotheby’s to sell his New York apartment. Otherwise, Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support without discovery. *See* Declaration of Aaron E. Nathan Pursuant to Federal Rule of Civil Procedure 56(d) (“Rule 56(d) Declaration”) ¶¶ 3–5. As of March 13, 2024, counsel for Defendant Giuliani stated that Defendant was “*in the process* of working with Sotheby’s in connection with listing the debtor’s Manhattan property” and had “*just* actually received the proposed listing agreement.” ECF. No. 163 at 12:15–22, *In re Giuliani*, 23-12055-shl (Bankr. S.D.N.Y. Apr. 10, 2024) (emphasis added).

3. Defendant allowed his New York driver’s license to expire. On February 22, 2024, Defendant was issued a Florida driver’s license, at the address of the Palm Beach Condo. Giuliani Decl. ¶ 10; Giuliani Decl. Exhibit D.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support without discovery. *See* Rule 56(d) Declaration.

4. On May 6, 2024, Defendant registered his 1980 automobile in Florida, at the address of the Palm Beach Condo, and was issued a Florida license plate. Giuliani Decl. ¶ 11; Giuliani Decl. Exhibit E.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support without discovery.

5. On May 18, 2024, Defendant registered to vote in Florida. Giuliani Decl. ¶ 12; Giuliani Decl. Exhibit F.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support without discovery. *See* Rule 56(d)

Declaration.

6. Palm Beach County has granted homestead tax exemptions to Defendant, for 2024. Giuliani Decl. ¶ 13; Giuliani Decl. Exhibit G.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support without discovery. *See* Rule 56(d)

Declaration.

7. On July 13, 2024, Defendant made a declaration of Florida domicile, which was then recorded in the office of the Clerk of Palm Beach County. Giuliani Decl. ¶ 14; Giuliani Decl. Exhibit H.

Response: Undisputed.

8. For the period of time between February 2024, and August 2024:

Response: This statement does not include substantive assertions to admit or deny.

9. When Defendant was in Palm Beach, he resided in the Palm Beach Condo.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support of these assertions without discovery. *See* Rule 56(d) Declaration ¶¶ 5–6. Further, Defendant’s assertion lacks citation to factual support, as required by Local Civil Rule 56.1(d) and Individual Practice Rule 3(D)(i).

10. When Defendant was in New York, he conducted business and visited his family.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support of these assertions without discovery. *See* Rule 56(d) Declaration ¶ 5. Notably, Defendant Giuliani explained under oath that he has

“a device called a Comcast” that “allows [him] to broadcast [the podcasts owned by his business, Giuliani Communications LLC] *anywhere in the world.*” ECF. No. 32-3 at 16:1–17:2 (emphasis added). Further, Defendant’s assertion lacks citation to factual support, as required by Local Civil Rule 56.1(d) and Individual Practice Rule 3(D)(i).

11. When Defendant was in New Hampshire, he conducted business. He also engaged in leisure activities. For example, in April, Defendant went to New Hampshire to watch the total eclipse. During the summer (June, July and August), Defendant was in New Hampshire in order to get away from the heat and humidity of South Florida, which are bad for his lung injuries, sustained as a result of the 9/11 attacks. Giuliani Decl. ¶ 16.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support of these assertions without discovery. See Rule 56(d) Declaration ¶ 5.

12. Defendant was also in other cities for business. For example, he covered the Republican National Convention in Milwaukee, Wisconsin, and he broadcasted from Paris, France, during the summer Olympics. Giuliani Decl. ¶ 16.

Response: Undisputed that Defendant visited the locations mentioned but otherwise, Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support of these assertions without discovery. See Rule 56(d) Declaration ¶ 5.

13. Defendant was in Arizona for one day for a court appearance. Giuliani Decl. ¶ 16.

Response: Plaintiffs lack sufficient information to admit, dispute, or otherwise evaluate these assertions or the evidence offered in support of these assertions without discovery. See Rule 56(d) Declaration ¶ 5.

14. On Monday, February 12, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E341): Who is Arseniy Petrovych Yatsenyuk?” *See* Declaration of David Labkowski, Esq. (“Labkowski Decl.”) ¶ 5.

Response: Undisputed that Defendant broadcasted from that location on that date.

15. On Tuesday, February 13, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E342): LIVE RESULTS—New York 3rd Congressional District Special Election.” *See* Labkowski Decl. ¶ 6.

Response: Undisputed that Defendant broadcasted from that location on that date.

16. On Wednesday, February 14, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E343): LIVE UPDATES—Shooting in Kansas City, Missouri at the Super Bowl Parade.” *See* Labkowski Decl. ¶ 7.

Response: Undisputed that Defendant broadcasted from that location on that date.

17. On Thursday, February 15, 2024, Defendant broadcasted live from Boynton Beach, Florida, an episode entitled “America’s Mayor Live (E344): Fani Willis & Nathan Wade on Trial.” *See* Labkowski Decl. ¶ 8.

Response: Undisputed that Defendant broadcasted from that location on that date.

18. On Monday, February 19, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E346): Biden Administration Continues to Capitulate on the Global Stage.” *See* Labkowski Decl. ¶ 9.

Response: Undisputed that Defendant broadcasted from that location on that date.

19. On Tuesday, February 20, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E347): The War on Gender.” *See* Labkowski Decl. ¶ 10.

Response: Undisputed that Defendant broadcasted from that location on that date.

20. On Wednesday, February 21, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E348): Joe Biden’s Brother, James Biden, Testifies Behind Closed Doors.” *See* Labkowski Decl. ¶ 11.

Response: Undisputed that Defendant broadcasted from that location on that date.

21. On Thursday, February 22, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E349): Democrat “Russian Collusion” Hoax 2.0.” *See* Labkowski Decl. ¶ 12.

Response: Undisputed that Defendant broadcasted from that location on that date.

22. On Friday, February 23, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E350): ELECTION 2024—The South Carolina Primary.” *See* Labkowski Decl. ¶ 13.

Response: Undisputed that Defendant broadcasted from that location on that date.

23. On Monday, February 26, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E351): ELECTION 2024—Previewing Michigan’s Presidential Primary.” *See* Labkowski Decl. ¶ 14.

Response: Undisputed that Defendant broadcasted from that location on that date.

24. On Wednesday, February 28, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E353): Our Southern Border is Facing an INVASION.” *See* Labkowski Decl. ¶ 15.

Response: Undisputed that Defendant broadcasted from that location on that date.

25. On Thursday, February 29, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E354): President Trump & Joe Biden’s Southern Border Visits—Compare & Contrast.” *See* Labkowski Decl. ¶ 16.

Response: Undisputed that Defendant broadcasted from that location on that date.

26. On Friday, March 1, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E355): Joe Biden & Democrat Open-Border Policies Caused Laken Riley’s Death.” *See* Labkowski Decl. ¶ 17.

Response: Undisputed that Defendant broadcasted from that location on that date.

27. On Monday, March 4, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E356): Supreme Court Rules Unanimously in President Donald Trump’s Favor.” *See* Labkowski Decl. ¶ 18.

Response: Undisputed that Defendant broadcasted from that location on that date.

28. On Tuesday, March 5, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E357): ELECTION 2024—Super Tuesday.” *See* Labkowski Decl. ¶ 19.

Response: Undisputed that Defendant broadcasted from that location on that date.

29. On Wednesday, March 6, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E358): The REAL Reason Nikki Haley Dropped Out of the Race.” *See* Labkowski Decl. ¶ 20.

Response: Undisputed that Defendant broadcasted from that location on that date.

30. On Thursday, March 7, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E359): The 2024 State of the Union Address.” *See* Labkowski Decl. ¶ 21.

Response: Undisputed that Defendant broadcasted from that location on that date.

31. On Monday, March 11, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E361): Breaking Down Joe Biden’s \$7.3 TRILLION Budget.” *See* Labkowski Decl. ¶ 22.

Response: Undisputed that Defendant broadcasted from that location on that date.

32. On Tuesday, March 12, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E362): The Israeli–Palestinian conflict.” *See* Labkowski Decl. ¶ 23.

Response: Undisputed that Defendant broadcasted from that location on that date.

33. On Wednesday, March 13, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E363): Judge DROPS Six Charges as Fani Willis’s Phony RICO Case Falls Apart.” *See* Labkowski Decl. ¶ 24.

Response: Disputed. The video provided via link in the Labkowski Declaration appears to only include prerecorded segments of Defendant Giuliani. *See* Labkowski Decl. ¶ 24

(https://rumble.com/v4j3bmi-americas-mayor-live-e363-judge-drops-six-charges-as-fani-williss-phony-rico.html?e9s=src_v1_ucp at 20:28–51:10). *See* Declaration of Regina S. Scott in Support of Plaintiffs’ Opposition to Defendant’s Cross-Motion for Summary Judgment (“Scott Declaration”) ¶¶ 5–7.

34. On Thursday, March 14, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E364): ELECTION 2024—Bellwether Michigan.” *See* Labkowski Decl. ¶ 25.

Response: Disputed. The video provided via link in the Labkowski Declaration appears to only include prerecorded segments of Defendant Giuliani. *See* Labkowski Decl. ¶ 25

https://rumble.com/v4jaq3l-americas-mayor-live-e364-election-2024bellwether-michigan.html?e9s=src_v1_ucp at 6:39–28:56). *See* Scott Declaration ¶¶ 8–9.

35. On Friday, March 15, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E365): The Dangers of Staying Silent in the Face of Injustice.” *See* Labkowski Decl. ¶ 26.

Response: Undisputed that Defendant broadcasted from that location on that date.

36. On Monday, March 18, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E366): Biden Removes “Duty, Honor, Country” from West Point Mission Statement.” *See* Labkowski Decl. ¶ 27.

Response: Undisputed that Defendant broadcasted from that location on that date.

37. On Tuesday, March 19, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E367): EU & The West Blast Russian Elections, but Silent on Trump Persecution.” *See* Labkowski Decl. ¶ 28.

Response: Undisputed that Defendant broadcasted from that location on that date.

38. On Wednesday, March 20, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E368): Biden-World PANICS as President Trump Leads Virtually Every Poll.” *See* Labkowski Decl. ¶ 29.

Response: Undisputed that Defendant broadcasted from that location on that date.

39. On Thursday, March 21, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E369): ELECTION 2024—America at a Crossroads.” *See* Labkowski Decl. ¶ 30.

Response: Undisputed that Defendant broadcasted from that location on that date.

40. On Friday, March 22, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E370): Gunman Kill at Least 40 People Inside Moscow Concert Hall.” *See* Labkowski Decl. ¶ 31.

Response: Undisputed that Defendant broadcasted from that location on that date.

41. On Monday, March 25, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E371): Appeals Court Rules Against Judge Engoron in Phony Fraud Case YET AGAIN.” *See* Labkowski Decl. ¶ 32.

Response: Undisputed that Defendant broadcasted from that location on that date.

42. On Tuesday, March 26, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E372): Bridge COLLISION/COLLAPSE in Baltimore—Sign of Decaying Infrastructure?” *See* Labkowski Decl. ¶ 33.

Response: Undisputed that Defendant broadcasted from that location on that date.

43. On Wednesday, March 27, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E373): Feds Search Sean ‘Diddy’ Combs’ Properties in Sex Trafficking Probe.” *See* Labkowski Decl. ¶ 34.

Response: Undisputed that Defendant broadcasted from that location on that date.

44. On Thursday, March 28, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E374): Donald Trump Honors Fallen Officer; Biden Hosts High-Dollar Fundraiser.” *See* Labkowski Decl. ¶ 35.

Response: Undisputed that Defendant broadcasted from that location on that date.

45. On Friday, March 29, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E375): Honoring America’s Real Heroes.” *See* Labkowski Decl. ¶ 36.

Response: Disputed. Defendant Giuliani stated in the video provided via link in the Labkowski Declaration that he was broadcasting from “right here in Georgia[.]” *See* Labkowski Decl. ¶ 36 (https://rumble.com/v4mcjex-americas-mayor-live-e375-honoring-americas-real-heroes.html?e9s=src_v1_ucp at 4:04–4:06). *See* Scott Declaration ¶10.

46. On Monday, April 1, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E376): America is Lost—2024 is about Fighting to take it Back.” *See* Labkowski Decl. ¶ 37.

Response: Undisputed that Defendant broadcasted from that location on that date.

47. On Tuesday, April 2, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E377): Justice for All.” *See* Labkowski Decl. ¶ 38.

Response: Undisputed that Defendant broadcasted from that location on that date.

48. On Wednesday, April 3, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E378): The Democrat Party’s Bizarre War Against Law Enforcement.” *See* Labkowski Decl. ¶ 39.

Response: Undisputed that Defendant broadcasted from that location on that date.

49. On Thursday, April 4, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E379): NEW POLL—Trump Leads Biden in Six of Seven Swing States.” *See* Labkowski Decl. ¶ 40.

Response: Undisputed that Defendant broadcasted from that location on that date.

50. On Friday, April 5, 2024, Defendant broadcasted live from New Hampshire, an episode entitled “America’s Mayor Live (E380): Earthquake Rattles New York City.” *See* Labkowski Decl. ¶ 41.

Response: Undisputed that Defendant broadcasted from that location on that date.

51. On Tuesday, April 9, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (282): Our Experience with the Solar Eclipse from New Hampshire.” *See* Labkowski Decl. ¶ 42.

Response: Undisputed that Defendant broadcasted from that location on that date.

52. On Wednesday, April 10, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (383): What to Make of the Chants of “Death to America” in Dearborn, Michigan.” *See* Labkowski Decl. ¶ 43.

Response: Undisputed that Defendant broadcasted from that location on that date.

53. On Thursday, April 11, 2024, Defendant broadcasted live from Tulsa, Oklahoma, an episode entitled “America’s Mayor Live (384): The Fall of New York City & How the Giuliani Playbook Can Spur a Revival.” *See* Labkowski Decl. ¶ 44.

Response: Undisputed that Defendant broadcasted from that location on that date.

54. On Friday, April 12, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (385): Exclusive Report Warns of Imminent Attack by Iran.” *See* Labkowski Decl. ¶ 45.

Response: Undisputed that Defendant broadcasted from that location on that date.

55. On Monday, April 15, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E386): Biden Regime Goes ALL-IN on Dystopian Election Interference vs. Trump.” *See* Labkowski Decl. ¶ 46.

Response: Undisputed that Defendant broadcasted from that location on that date.

56. On Tuesday, April 16, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E387): The Consequences of the Left’s Weaponization of the U.S. Justice System.” *See* Labkowski Decl. ¶ 47.

Response: Undisputed that Defendant broadcasted from that location on that date.

57. On Wednesday, April 17, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E388): Democrats Vote to Continue Alien Invasion.” *See* Labkowski Decl. ¶ 48.

Response: Undisputed that Defendant broadcasted from that location on that date.

58. On Thursday, April 18, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E389): Restricting Trump to Campaigning in New York will BACKFIRE on Democrats.” *See* Labkowski Decl. ¶ 49.

Response: Undisputed that Defendant broadcasted from that location on that date.

59. On Friday, April 19, 2024, Defendant broadcasted live from New Hampshire, an episode entitled “America’s Mayor Live (E390): Is Mike Johnson Relying on Democrats to Save Job as Speaker?” *See* Labkowski Decl. ¶ 50.

Response: Undisputed that Defendant broadcasted from that location on that date.

60. On Monday, April 22, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E391): Mayor Rudy Giuliani visits Harvard University.” *See* Labkowski Decl. ¶ 51.

Response: Undisputed that Defendant broadcasted from that location on that date.

61. On Tuesday, April 23, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E392): Mayor Rudy Giuliani visits Columbia University.” *See* Labkowski Decl. ¶ 52.

Response: Undisputed that Defendant broadcasted from that location on that date.

62. On Wednesday, April 24, 2024, Defendant broadcasted live from Staten Island, New York, an episode entitled “America’s Mayor Live (E393): Exposing the Truth on the College Protesters.” *See* Labkowski Decl. ¶ 53.

Response: Undisputed that Defendant broadcasted from that location on that date.

63. On Thursday, April 25, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E394): Supreme Court Appears Open to Partial Immunity for POTUS.” *See* Labkowski Decl. ¶ 54.

Response: Undisputed that Defendant broadcasted from that location on that date.

64. On Monday, April 29, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (396): Protesters at Harvard Replace American Flag with Palestinian Flag.” *See* Labkowski Decl. ¶ 55.

Response: Undisputed that Defendant broadcasted from that location on that date.

65. On Tuesday, April 30, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (397): The Stunning Lack of Leadership at These So-Called Elite Universities.” *See* Labkowski Decl. ¶ 56.

Response: Undisputed that Defendant broadcasted from that location on that date.

66. On Wednesday, May 1, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (398): The Fall of the Ivy League Institutions.” *See* Labkowski Decl. ¶ 57.

Response: Undisputed that Defendant broadcasted from that location on that date.

67. On Thursday, May 2, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (399): NEW POLL—Trump Widens Gap Over Biden.” *See* Labkowski Decl. ¶ 58.

Response: Undisputed that Defendant broadcasted from that location on that date.

68. On Monday, May 6, 2024, Defendant broadcasted live from South Florida, an episode entitled “America’s Mayor Live (401): American Injustice.” *See* Labkowski Decl. ¶ 59.

Response: Undisputed that Defendant broadcasted from that location on that date.

69. On Tuesday, May 7, 2024, Defendant broadcasted live from Miami, an episode entitled “America’s Mayor Live (402): What Cuban-Americans can teach us about Socialism.” *See* Labkowski Decl. ¶ 60.

Response: Undisputed that Defendant broadcasted from that location on that date.

70. On Wednesday, May 8, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (403): Game Over for Special Counsel Jack Smith & Classified Documents Case.” *See* Labkowski Decl. ¶ 61.

Response: Undisputed that Defendant broadcasted from that location on that date.

71. On Thursday, May 9, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (404): Judge Merchan’s Conflicts & Conduct Should Immediately Disqualify Him.” *See* Labkowski Decl. ¶ 62.

Response: Undisputed that Defendant broadcasted from that location on that date.

72. On Friday, May 10, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (405): The Importance of Fighting Against Censorship in America.” *See* Labkowski Decl. ¶ 63.

Response: Undisputed that Defendant broadcasted from that location on that date.

73. On Sunday, May 12, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “Uncovering the Truth (E1): Sunday, May 12, 2024.” *See* Labkowski Decl. ¶ 64.

Response: Undisputed that Defendant broadcasted from that location on that date.

74. On Monday, May 13, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show: Shocking NEW Evidence of Election Fraud that WABC Doesn’t Want You to See.” *See* Labkowski Decl. ¶ 65.

Response: Undisputed that Defendant broadcasted from that location on that date.

75. On Monday, May 13, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (406): Michael Cohen Perjures Himself.” *See* Labkowski Decl. ¶ 66.

Response: Undisputed that Defendant broadcasted from that location on that date.

76. On Wednesday, May 14, 2025, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E2): No One Knows Michael Cohen Like I Know Michael Cohen.” *See* Labkowski Decl. ¶ 67.

Response: Disputed. May 14, 2025 is a date in the future.

77. On Tuesday, May 14, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E407): The Truth About Michael Cohen.” *See* Labkowski Decl. ¶ 68.

Response: Undisputed that Defendant broadcasted from that location on that date.

78. On Wednesday, May 15, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E3): Michael Cohen’s Former Attorney Bob Costello Exposes Cohen’s Lies.” *See* Labkowski Decl. ¶ 69.

Response: Undisputed that Defendant broadcasted from that location on that date.

79. On Wednesday, May 15, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E408): Bob Costello Exposes Michael Cohen in EXPLOSIVE Congressional Hearing.” *See* Labkowski Decl. ¶ 70.

Response: Undisputed that Defendant broadcasted from that location on that date.

80. On Thursday, May 16, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E4): Why is Joe Biden Suddenly Eager to Debate?” *See* Labkowski Decl. ¶ 71.

Response: Undisputed that Defendant broadcasted from that location on that date.

81. On Thursday, May 16, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E409): Michael Cohen’s Former Attorney: ‘He Told Me He Had Nothing On Trump’.” *See* Labkowski Decl. ¶ 72.

Response: Undisputed that Defendant broadcasted from that location on that date.

82. On Friday, May 17, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E5): It Looks Like Michael Cohen Just Committed Perjury Again.” *See* Labkowski Decl. ¶ 73.

Response: Undisputed that Defendant broadcasted from that location on that date.

83. On Friday, May 17, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E410): Celebrating a Great American Life.” *See* Labkowski Decl. ¶ 74.

Response: Undisputed that Defendant broadcasted from that location on that date.

84. On Sunday, May 19, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “Uncovering the Truth (E2): Sunday, May 19, 2024.” *See* Labkowski Decl. ¶ 75.

Response: Undisputed that Defendant broadcasted from that location on that date.

85. On Monday, May 20, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E6): Michael Cohen Admits to STEALING \$60,000 from Trump Organization.” *See* Labkowski Decl. ¶ 76.

Response: Undisputed that Defendant broadcasted from that location on that date.

86. On Monday, May 20, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E411): “This case is dead. It was dead on arrival” - Fmr Michael Cohen Advisor.” *See* Labkowski Decl. ¶ 77.

Response: Undisputed that Defendant broadcasted from that location on that date.

87. On Tuesday, May 21, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E7): Arizona—The Grand Canyon State.” *See* Labkowski Decl. ¶ 78.

Response: Undisputed that Defendant broadcasted from that location on that date.

88. On Tuesday, May 21, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E412): Arizona—The Grand Canyon State.” *See* Labkowski Decl. ¶ 79.

Response: Undisputed that Defendant broadcasted from that location on that date.

89. On Wednesday, May 22, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E8): Biden Losing More and More Voters to “Uncommitted”“.” *See* Labkowski Decl. ¶ 80.

Response: Undisputed that Defendant broadcasted from that location on that date.

90. On Thursday, May 23, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E9): President Trump Campaigns in the Bronx.” *See* Labkowski Decl. ¶ 81.

Response: Undisputed that Defendant broadcasted from that location on that date.

91. On Friday, May 24, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “The Rudy Giuliani Show (E10): President Trump RALLIES in the Bronx.” *See* Labkowski Decl. ¶ 82.

Response: Undisputed that Defendant broadcasted from that location on that date.

92. On Friday, May 24, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “America’s Mayor Live (E415): President Trump’s MASSIVE RALLY in the Bronx.” *See* Labkowski Decl. ¶ 83.

Response: Undisputed that Defendant broadcasted from that location on that date.

93. On Sunday, May 26, 2024, Defendant broadcasted live from Palm Beach, Florida, an episode entitled “Uncovering the Truth (E3): Sunday, May 26, 2024.” *See* Labkowski Decl. ¶ 84.

Response: Undisputed that Defendant broadcasted from that location on that date.

94. On Monday, May 27, 2024, Defendant broadcasted live from New York, New York, an episode entitled “The Rudy Giuliani Show (E11): Memorial Day—Honoring America’s Fallen Heroes.” *See* Labkowski Decl. ¶ 85.

Response: Undisputed that Defendant broadcasted from that location on that date.

95. On Monday, May 27, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E416): The History of Memorial Day—Honoring America’s Fallen Heroes.” *See* Labkowski Decl. ¶ 86.

Response: Undisputed that Defendant broadcasted from that location on that date.

96. On Tuesday, May 28, 2024, Defendant broadcasted live from New York, New York, an episode entitled “The Rudy Giuliani Show (E12): In Bizarre Move, Democrats Use Robert De Niro in Trump Trial Response.” *See* Labkowski Decl. ¶ 87.

Response: Undisputed that Defendant broadcasted from that location on that date.

97. On Tuesday, May 28, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E417): Closing Arguments in President Trump’s New York Trial.” *See* Labkowski Decl. ¶ 88.

Response: Undisputed that Defendant broadcasted from that location on that date.

98. On Wednesday, May 29, 2024, Defendant broadcasted live from New York, New York, an episode entitled “The Rudy Giuliani Show (E13): A Glaring Problem w/ New York Trial.” *See* Labkowski Decl. ¶ 89.

Response: Undisputed that Defendant broadcasted from that location on that date.

99. On Wednesday, May 29, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E418): Jury Begins Deliberations in New York Trial.” *See* Labkowski Decl. ¶ 90.

Response: Undisputed that Defendant broadcasted from that location on that date.

100. On Thursday, May 30, 2024, Defendant broadcasted live from New York, New York, an episode entitled “The Rudy Giuliani Show (E14): Jury Deliberations Continue in New York Trial.” *See* Labkowski Decl. ¶ 91.

Response: Undisputed that Defendant broadcasted from that location on that date.

101. On Thursday, May 30, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E419): Reaction to Guilty Verdict in President Trump’s New York Trial.” *See* Labkowski Decl. ¶ 92.

Response: Undisputed that Defendant broadcasted from that location on that date.

102. On Thursday, May 30, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E419): Reaction to Guilty Verdict in President Trump’s New York Trial.” *See* Labkowski Decl. ¶ 93.

Response: Undisputed that Defendant broadcasted from that location on that date.

103. On Friday, May 31, 2024, Defendant broadcasted live from New York, New York, an episode entitled “The Rudy Giuliani Show (E15): Breaking Down the Most Disgraceful & Illicit Trial in American History.” *See* Labkowski Decl. ¶ 94.

Response: Undisputed that Defendant broadcasted from that location on that date.

104. On Sunday, June 2, 2024, Defendant broadcasted live from New York, New York, an episode entitled “Uncovering the Truth (E4): American Injustice.” *See* Labkowski Decl. ¶ 95.

Response: Undisputed that Defendant broadcasted from that location on that date.

105. On Monday, June 3, 2024, Defendant broadcasted live from New York, New York, an episode entitled “The Rudy Giuliani Show (E16): Illegal Immigrant SHOOTs Two NYPD Officers in Brazen Attack.” *See* Labkowski Decl. ¶ 96.

Response: Undisputed that Defendant broadcasted from that location on that date.

106. On Monday, June 3, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E421): Hunter Biden Trial Day 1—Jury Selected; Opening Statements on Tuesday.” *See* Labkowski Decl. ¶ 97.

Response: Undisputed that Defendant broadcasted from that location on that date.

107. On Tuesday, June 4, 2024, Defendant broadcasted live from New York, New York, an episode entitled “The Rudy Giuliani Show (E17): Joe Biden’s Executive Order on Border an Election Year Gimmick.” *See* Labkowski Decl. ¶ 98.

Response: Undisputed that Defendant broadcasted from that location on that date.

108. On Tuesday, June 4, 2024, Defendant broadcasted live from New York, New York, an episode entitled “America’s Mayor Live (E422): Hunter Biden Trial Day 2—Opening Statements, First Witness Takes Stand.” *See* Labkowski Decl. ¶ 99.

Response: Undisputed that Defendant broadcasted from that location on that date.

Dated: October 30, 2024

John Langford
Rachel Goodman
United to Protect Democracy
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
john.langford@protectdemocracy.org
rachel.goodman@protectdemocracy.org

Von A. DuBose (*pro hac vice forthcoming*)
DuBose Miller LLC
75 14th Street NE, Suite 2110
Atlanta, Georgia 30309
(404) 720-8111
dubose@dubosemiller.com

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

By: s/ Aaron E. Nathan

Michael J. Gottlieb
Meryl C. Governski (admitted *pro hac vice*)
Willkie Farr & Gallagher LLP
1875 K Street NW
Washington, DC 20006
(202) 303-1000
mgottlieb@willkie.com
mgovernski@willkie.com

Aaron E. Nathan
M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, New York 10019
(212) 728-8000
anathan@willkie.com
mhoughton-larsen@willkie.com

Counsel for Plaintiffs Ruby Freeman and Wandrea’ Moss